

The article was labeled in part, "Blackberry * * * Del Monte Brand Extra Quality * * * Preserves * * * Net Weight 15 ounces * * *."

Misbranding of the article was alleged in the libel for the reason that the package or label of said article bore the statement "Net Weight 15 Ounces," which was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity marked was not correct.

On July 20, 1920, said California Packing Co., having filed its answer admitting the allegations of misbranding contained in the libel, it was ordered by the court that the United States marshal should deliver the product to said claimant company upon payment of all the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be properly labeled under supervision of this department.

E. D. BALL, *Acting Secretary of Agriculture.*

8419. Misbranding of Dr. Burkhart's Vegetable Compound. U. S. * * * v. 9 Dozen Packages of Dr. Burkhart's Vegetable Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 13064, 13065. I. S. Nos. 7801-t, 7802-t. S. Nos. E-2453, E-2454.)

On July 22, 1920, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of certain quantities of an article, labeled in part "Dr. Burkhart's Vegetable Compound," at Philadelphia, Pa., consigned by Dr. W. S. Burkhart, Cincinnati, Ohio, alleging that the article had been shipped on or about April 28, 1920, and May 10, 1920, from Cincinnati, Ohio, and transported from the State of Ohio into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the product was composed essentially of aloes and other plant material containing resins, probably podophyllum and a small amount of capsicum.

Misbranding of the article was alleged in the libels in that certain statements appearing on the label on the package containing the article, regarding its curative or therapeutic effects, falsely and fraudulently represented the article to be effective as a remedy for kidney and liver disease, fever and ague, rheumatism, sick and nervous headache, erysipelas, scrofula, female complaints, catarrh, indigestion, neuralgia, nervous affection, dyspepsia, and all syphilitic diseases, whereas, in truth and in fact, it was not effective.

On August 12, 1920, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

8420. Misbranding of G. S. Remedy. U. S. * * * v. Louis M. Gross. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 9905. I. S. No. 12206-p.)

On June 20, 1919, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Louis M. Gross, Little Rock, Ark., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about May 29, 1918,

from the State of Arkansas into the State of Alabama, of a quantity of an article, labeled in part "G. S. Remedy," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the article was a solution containing alcohol, small quantities of potassium iodid, and vegetable extractives, among which were those of podophyllum, prickly ash, and saponin-bearing drugs.

Misbranding of the article was alleged in the information in that certain statements appearing on the carton enclosing, and on the label on the bottle containing the article, regarding its curative or therapeutic effects, falsely and fraudulently represented the article to be effective as a remedy for pellagra, rheumatism, lumbago, sciatica, neuralgia, syphilis, scrofula, eczema, indigestion, dyspepsia, biliousness, constipation, malaria, chills and fever, nervousness, and stomach, liver, kidney, and bladder disease, whereas, in truth and in fact, it was not effective.

On May 3, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

8421. Misbranding of salad oil. U. S. * * * v. 23 1-Gallon Cans of Salad Oil. Default decree of condemnation. Product ordered sold. (F. & D. No. 10153. I. S. No. 13581-r. S. No. E-1344.)

On April 26, 1919, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 23 1-gallon cans of salad oil, at Hudson, Pa., alleging that the article was shipped on or about April 23, 1919, by Roberto Emilio, New York, N. Y., and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of soya-bean oil.

Misbranding of the article was alleged in the libel in that certain statements and designs, to wit, "One Gallon Net Qualita Superiore Olio Puro Tripolitania Garantito Sotto Qualsiasi Analisi Chimica," and the picture of a woman holding the Italian flag, and also a map of Italy and Tripoli, on the label on the can containing the article, regarding the article, deceived and misled the purchaser in that they purported the article to be a foreign product and of foreign origin, whereas it was not a foreign product and not of foreign origin, and that it was olive oil, whereas the article consisted in whole or in part of an oil extracted from soya beans. Further misbranding was alleged in that soya-bean oil had been substituted in whole or in part for olive oil, which the article purported to be.

On January 19, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

8422. Misbranding of soluble saccharin. U. S. * * * v. 2 Cans of Soluble Saccharin Crystal and 1 Package of Soluble Saccharin. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 10272, 10273. I. S. Nos. 6143-r, 6144-r. S. No. C-1211.)

On May 14, 1919, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the condemnation and forfeiture of a certain quantity of soluble saccharin, at Vicksburg, Miss.,